

Serial No. : 09/580,993
Applicant : HONEA
Amendment Dated: 12/26/2002

REMARKS

The Examiner's Office Action has been reviewed.

The Examiner has then rejected Claim 2 "under 35 U.S.C. 103(a) as being unpatentable over Wall (U.S. 5230158) in view of Troyer et al. (U.S. 4149320) [hereinafter Troyer].” The Examiner's rejection and the applied prior art, as well as all prior art of which applicant and applicant's attorney are aware have been carefully reviewed. It is deemed that although similarities exist between the prior art and applicant's invention as presently claimed, significant differences also exist. By way of example, the Examiner's primary reference to Wall discloses four sets of indicia lines and associated indicia at varying spaces along the length of the tape measure. Applicant's invention is limited to only the first indicia lines at the central extent and only two additional sets of indicia lines at the edges. This has been more clearly brought out by changing the including language to "consisting of". As such, in addition, specifically set forth is the inclusion of at least one common indicia line extending on the front face from edge to edge and including a portion of the front indicia lines and the second and third indicia lines. This relationship is found nowhere in the prior art including that cited and applied by the Examiner.

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Because of this applicant's device has extended utility and a product superior to anything within the prior art taken alone or in combination.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

It is deemed that the present amendments overcome all grounds of objection and rejection and place this application in condition for allowance.

Reconsideration and a Notice of Allowance are respectfully requested.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

What is claimed as being new and desired to be protected by LETTERS PATENT of the United States is as follows:

1. (Previously Canceled)
2. (Three Times Amended) A tape measure system comprising:
a tape of a disposable material with limited extensibility,
the tape having a short leading edge and a parallel short
trailing edge and having long parallel side edges there between
including a first side edge and a second side edge with a central
extent there between, the tape having a front face and a rear
face; and

indicia formed on the front face and [including] consisting
of continuing first indicia lines equally spaced at a first
distance along the entire central [length] extent of the tape,
the indicia also [including] consisting of continuing repeating
second indicia lines along the first side edge laterally spaced
from the first indicia lines with the second indicia lines being
equally spaced at a second distance different from the first
distance, the indicia also [including] consisting of continuing
repeating third indicia lines along the second side edge
laterally spaced from the first indicia lines with the third
indicia lines being equally spaced at a third distance different
from the first distance and second distance, the first indicia

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lines and the second indicia lines and the third indicia lines
further consisting of at least one common indicia line extending
across the entire front face from the first side edge to the
second side edge.

3. (Previously Canceled)
4. (Previously Canceled)
5. (Previously Canceled)
6. (Previously Canceled)
7. (Previously Canceled)
8. (Previously Canceled)
9. (Previously Canceled)
10. (Previously Canceled)
11. (Previously Canceled)

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

What is claimed as being new and desired to be protected by
LETTERS PATENT of the United States is as follows:

1 2. A tape measure system comprising:

a tape of a disposable material with limited extensibility, the tape having a short leading edge and a parallel short trailing edge and having long parallel side edges there between including a first side edge and a second side edge with a central extent there between, the tape having a front face and a rear face; and

indicia formed on the front face and consisting of continuing first indicia lines equally spaced at a first distance along the entire central extent of the tape, the indicia also consisting of continuing repeating second indicia lines along the first side edge laterally spaced from the first indicia lines with the second indicia lines being equally spaced at a second distance different from the first distance, the indicia also consisting of continuing repeating third indicia lines along the second side edge laterally spaced from the first indicia lines with the third indicia lines being equally spaced at a third distance different from the first distance and second distance, the first indicia lines and the second indicia lines and the third indicia lines further consisting of at least one common

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indicia line extending across the entire front face from the first side edge to the second side edge.
